

**PROTECTING THE INNOCENT: TASMANIA'S NEGLECTED
CHILDREN, THEIR PARENTS AND STATE CARE, 1890-1918**

(Patricia)

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Caroline Evans.

For my daughters, Freya and Leah Sant
and my mother, Cleone Evans

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ABSTRACT

PROTECTING THE INNOCENT: TASMANIA'S NEGLECTED CHILDREN, THEIR PARENTS AND STATE CARE, 1890-1918

In turn of the century Tasmania (as in most of the western world), middle-class representations of childhood meant that, increasingly, children were seen, not as a source of labour for their parents, but as dependents; innocent, vulnerable creatures who required protection, guidance and nurture. Neglect was a failure of these conditions caused by the actual or moral absence of parents. This thesis traces changes in understandings of childhood neglect between 1890 and 1918, through a history of Tasmania's Neglected Children's Department. It was set up in 1896 by the *Neglected Children and Youthful Offenders Act* and abolished in 1918 by the *Children's Charter* which established the Children of the State Department. The thesis asks why, given the apparently good intentions behind the legislation, the Neglected Children's Department had difficulties enforcing adequate psychological and physical protection of its wards. Most of the primary material was taken from the case files of the Department. They provide a rich source of the experiences and attitudes of state children, their natural parents, state appointed carers and officials of the Department.

Representations of childhood neglect, once translated into legislation, had benefits for some poor children, especially if they were orphaned or deserted by their parents. However, the emphasis on children's innocence and need for protection could deny them the tools of self-protection; a firm sense of self, public visibility, the right to be heard, to live with their families, to earn a living and to some legal safeguards; for example, habeas corpus. The situation was exacerbated because, like any category of people which lack socio-economic and political status, children could be perceived as a threat to society, so that their control was also an important issue. Since child welfare policy was framed to protect society against children, as well as to offer children protection, their best interests were not always considered. Moreover, there was an emphasis on control that could lead to physical or sexual abuse from unscrupulous or incompetent guardians. A further conundrum was that then, as now, children, especially young ones, genuinely needed protection and guidance; untrammelled self-determination could undermine their protection too.

This tension between adult protection of children and their right to self-determination can be negotiated differently depending on the cultural, social and economic contexts of the historical moment. In 1890s Tasmania, the proposed enfranchisement of women and the working class, as well as an economic depression, which resulted in social instability, created anxiety amongst the elites about the future locus of power. The presence of numerous children in the streets -mischievous, cheeky, hungry and grubby-embodied this concern. The children's moral vulnerability, especially that of the girls, as well as their capacity to create public disorder, led to a campaign for legislation that would offer them more protection from the state, and society protection from them, at the expense of their rights to self-determination. It resulted in the *Neglected Children and Youthful Offenders Act* which empowered the state to remove children, designated as neglected, from their homes. and place them with carers of its own choosing for moral training. The way in which neglect was construed meant that some children, who would have been better off with their parents, were removed, while others, who needed state intervention, were not.

Although the *Neglected Children and Youthful Offenders Act* was only supposed to remove children from parents who were considered morally unfit, the usual reason for child neglect was poverty, the result of the conditions of male and female casual employment. This was a factor which Departmental officials were forced to acknowledge and it led to attempts to commit financially impoverished children as uncontrollable, since that was a category of neglect. Although parents often acquiesced in these arrangements, because they had no other way of providing for their children, they still resented the state's interference in their lives, and many tried to find ways of maintaining contact. Most children remained interested in their parents and expressed a desire to be with them, an indictment of the belief, held by social reformers and public servants, that they were better off without them.

Although the *Neglected Children and Youthful Offenders Act* intruded on the rights of poor children, it offered them possibilities too. Since it could intervene between parents and children, the rights of children who were mistreated were potentially strengthened. However, few children were committed for abuse because, since it was not a category of neglect, the Department focused less on it, so that an opportunity to provide protection to children, who might have welcomed it, was lost. This can be linked to the

widespread concern that poor children be controlled and the commonly held belief that this entailed beatings, even though, accidentally or not, they sometimes resulted in physical injuries.

Despite the constraints on them, state wards exercised some agency over their lives. A number survived by becoming polite, co-operative and hard working. Others protested, consciously or not, by telling lies, stealing, breaking crockery, doing their chores slowly, absconding, giving cheek, being "troublesome and bad tempered", or if girls, seeing boys without permission, thus endangering the Department's aim of producing respectful, industrious, abstemious and sexually modest adults. While such protest might be stress related, it was often strategic, and children sometimes gained concessions. Verbal or physical abuse by carers was the cause of many children's protest but Departmental officials' construction of it as disobedience, meant that punishment, rather than removal from the home, often followed. However, by 1918, there was a growing realisation, partly as a result of their protests, that state wards were mistreated, and some measures in the *Children's Charter* were designed to prevent it.

In particular, the legislators placed greater restrictions on the carers of state wards and made provisions for more frequent inspections. Under the *Children's Charter*, violence to children became a category of neglect and the tone of the legislation suggested that their control should become more subtle. However, even though concessions were made to children's rights to to be heard, protection by adults remained the dominant mode, despite some dangers. The new Act could not legislate for kindly treatment especially since, even with its language of nurture and gentle guidance, it was still predominantly concerned with control, which entailed risks to state children. Their rights to public visibility, to be with their families, or maintain contact with them, and so retain something of their original identities, were not restored.

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